

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-11445DPW

ROBERT GRAY,

Plaintiff,

v.

TRANSPORTATION SECURITY
ADMINISTRATION, JAMES LOY IN HIS
CAPACITY AS SECRETARY OF THE
TRANSPORTATION SECURITY
ADMINISTRATION, DEPARTMENT OF
HOMELAND SECURITY, AND MICHAEL
CHERTOFF IN HIS CAPACITY AS SECRETARY OF
THE DEPARTMENT OF HOMELAND SECURITY

Defendant.

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, Robert Gray (“Gray”), hereby moves for a preliminary injunction in the above-captioned matter for the reasons set forth in the Memorandum In Support of Motion For Preliminary Injunction, filed herewith.

In broad strokes, within weeks of Gray’s exercise of his fundamental constitutional right to petition this Court and the First Circuit for relief from improper governmental action the Government retaliated by placing Gray on its No-Fly List – a watch-list of suspected terrorists. As a result of this retaliation, Gray faces a broad array of irreparable harms to nearly every aspect of his life, including the loss of his job and his ability to travel by air. To date the Government has not come forward with even an assertedly legitimate reason for placing Gray on the No-Fly List. Moreover, the Government conducted at least four investigations concerning the issue of whether Gray is a threat to national security in the months prior to the date on which

Gray filed suit; each time, the Government decided not to place Gray on the No-Fly List. The only relevant fact that has changed subsequent to these investigations – the most recent of which occurred just two months before Gray filed suit – is that Gray exercised his right under the Constitution to petition this Court.

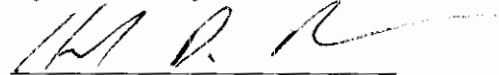
REQUEST FOR ORAL ARGUMENT

Pursuant to U.S.D.C. Local Rule 7.1(d), Gray hereby requests an opportunity to be heard at oral argument in connection with the instant Motion.

Respectfully submitted,

ROBERT GRAY,

By his attorneys,



Paul Holtzman, Esq.

BBO No. 563184

Hugh Dun Rappaport, Esq.

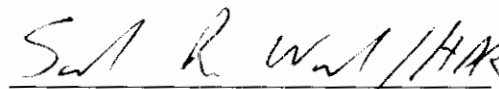
BBO No. 642263

KROKIDAS & BLUESTEIN LLP

600 Atlantic Avenue

Boston, MA 02210

(617) 482-7211



Sarah R. Wunsch, Esq.

BBO No. 548767

ACLU OF MASSACHUSETTS


211 Congress Street

Boston, MA 02110

(617) 482-3170

DATED: September 16, 2005

I hereby certify that a true copy of the above document was served upon James Loy, the Transportation Security Administration, Michael Chertoff, the U.S. Department of Homeland Security, the Attorney General of the United States and the Office of the United States Attorney by next day mail on September 16, 2005.



Hugh Dun Rappaport

2192\0001\155536.1